

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THOMAS KELLEY,

Plaintiff,

v.

CASE NO. 2:07-CV-13783
HONORABLE AVERN COHN

ENID LIVINGSTON,

Defendant.

ORDER TRANSFERRING CASE TO THE WESTERN DISTRICT OF MICHIGAN

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff, a Michigan prisoner confined at the Parnall Correctional Facility in Jackson, Michigan, challenges the propriety of his 2007 parole proceedings. The named defendant in this action is Michigan Parole Board Member Enid Livingston.

The proper venue for civil actions in which jurisdiction is not based on diversity of citizenship is the judicial district where: (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property in question is situated; or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. 28 U.S.C. § 1391(b). Public officials “reside” in the county where they serve. *See O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Pursuant to 28 U.S.C. § 1404(a), a district court may transfer a civil action to any other district where it might

have been brought for the convenience of the parties and witnesses, in the interest of justice.

Having reviewed the complaint, the United States District Court for the Western District of Michigan is a more appropriate forum for this action. The defendant resides in Ingham County for purposes of the present complaint. Ingham County lies in the Southern Division of the Western District of Michigan. 28 U.S.C. § 102(b). Accordingly, the Clerk of the Court shall transfer this case to the United States District Court for the Western District of Michigan. 28 U.S.C. §§ 1391(b) and 1404(a).

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: September 19, 2007

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record and Thomas Kelley, 216677, Parnall Correctional Facility, Jackson, MI 49201 on this date, September 19, 2007, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160